

## Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 11 March 12, 1998 Pages 311-334

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#### Office of Judicial Administration

#### **Request for Grant Applications**

The Office of Judicial Administration and the Kansas Supreme Court Advisory Council on Dispute Resolution are seeking Dispute Resolution Fund grant applications for fiscal year 1999 (July 1, 1998 through June 30, 1999). The purpose of the Dispute Resolution Fund is to promote, encourage and facilitate dispute resolution services which are appropriate, affordable and accessible to all Kansas citizens.

Dispute Resolution Fund grant applicants agree to use the funds to advance mediation services in Kansas. The Office of Judicial Administration administers the Dispute Resolution Fund from which a limited number of discretionary grants can be made. The Advisory Council on Dispute Resolution reviews all grant applications and makes recommendations to the Office of Judicial Administration as to the distribution of the fund. This fund is generated from a percentage of civil docket filing fees, dispute resolution training fees, and mediator approval and renewal fees. During fiscal year 1998, grants totaling approximately \$20,000 were awarded.

The original application and three copies must be mailed to: Dispute Resolution Coordinator, Office of Judicial Administration, Kansas Judicial Center, 301 W.

10th, Topeka, 66612.

Applications must be received by the Office of Judicial Administration before 5 p.m. April 10. Applications received after the deadline will not be considered. Requests for application forms should be directed to the Dispute Resolution Coordinator, (785) 296-2256.

Ronald M. Keefover Education-Information Officer

Doc. No. 022114

#### State of Kansas

#### Department of Administration

#### **Public Notice**

Under requirements of K.S.A. 65-34,117(e), as amended, records of the Division of Accounts and Reports show the unobligated balances are \$4,546,007.64 in the underground petroleum storage tank release trust fund and \$102,883.22 in the aboveground petroleum storage tank release trust fund at February 28, 1998.

Daniel R. Stanley Secretary of Administration

Doc. No. 022113

#### State of Kansas

#### **Pooled Money Investment Board**

#### **Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

#### Effective 3-9-98 through 3-15-98

Term		Rate
1-89 days		5.51%
3 months		5.28%
6 months		5.43%
9 months		5.46%
12 months		5.48%
18 months	i Amerikan Karal	5.56%
24 months		5.57%

William E. Lewis Chairman

Doc. No. 022111

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#### Kansas, Inc.

#### **Notice of Meeting**

The Kansas, Inc. Board of Directors will meet from 1 to 3 p.m. Friday, March 20, at Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Ranson President

Doc. No. 022125

#### State of Kansas

#### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1998 Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096.

#### Bills/Resolutions introduced February 26-March 4: House Bills

HB 2996, An act concerning the department of health and environment; relating to qualifications for certain officers; creating the office of epidemiological services; amending K.S.A. 75-5603 and repealing the existing section, by Committee on Appropriations.

HB 2997, An act concerning insurance; relating to increased coverage for diabetes; amending K.S.A. 1997 Supp. 40-1909 and 40-1909 and repealing the existing sections, by Committee on Appropriations.

HB 2998, An act enacting the selective service registration awareness and compliance act, by Committee on Federal and State Affairs.

HB 2999, An act concerning lottery machines; relating to the unlawful sale of lottery tickets; amending K.S.A. 74-8702 and 79-4701 and K.S.A. 1997 Supp. 74-8710, 74-8718 and 74-9802 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 3000, An act concerning elections; establishing a bipartisan commission on campaign practices, by Committee on Appropriations.

HB 3001, An act enacting the swine enterprise referendum act; relating to agricultural corporations, restrictions and exceptions; establishment of swine production facilities, feedlots and slaughterhouses, procedure and election; amending K.S.A. 17-5908 and K.S.A. 1997 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Committee on Appropriations.

HB 3002, An act relating to economic development tax incentives; concerning reports of Kansas, Inc. relating thereto; amending K.S.A. 1997 Supp. 74-8017 and repealing the existing section, by Committee on

Taxation.

#### **House Concurrent Resolutions**

HCR 5047, A proposition to amend section 1 of article 11 of the constitution of the state of Kansas.

HCR 5048, A concurrent resolution urging the United States Environmental Protection Agency to perform uniform assessments of water quality and urging the Congress to modify the Clean Water Act.

#### Senate Bills

SB 682, An act concerning juveniles; K.S.A. 75-2935, 75-4362 and 75-7024 and K.S.A. 1997 Supp. 38-1602, 38-1604, 38-1636, 38-1663, as amended by section 5 of this act, 38-16,129, 65-6001 and 65-6008 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 38-1663 as amended by section 64 of chapter 156 of the 1997 Session Laws of Kansas, by Committee on Federal and State Affairs.

Doc. No. 022112

#### State of Kansas

#### **Consumer Credit Commissioner**

## Notice of Hearing on Proposed Administrative Regulations

The Office of the Consumer Credit Commissioner will conduct a public hearing at 10 a.m. Tuesday, May 12, in Suite 1001, Jayhawk Tower, 700 S.W. Jackson, Topeka, on permanent regulation 75-6-24. All interested parties may present oral or written comments and shall be given reasonable opportunity to present their views or arguments on adoption of this regulation at the hearing.

The regulation proposed for adoption as a permanent regulation is required by K.S.A. 16a-2-401a. This statute requires the designated dollar amounts to be changed on July 1 of each even numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the year in which the change in the designated dollar amount last changed is 10 percent or more. The dollar amounts shall change only in multiples of 10 percent of the amounts currently in effect and adjusted to the nearest \$5 increment.

The purpose of the proposed permanent regulation is to adjust the dollar amounts of \$780 and \$2,600 to \$860

and \$2,860, respectively.

The economic impact on the individual consumer, based on the average size consumer loan of \$5,659 as taken from the 1996 annual report of licensed lenders, would result in an increase of \$67.32 of additional interest based on a 36-month loan amortization. There will be no economic impact on this agency. The increased interest charge should help offset increased operational costs incurred by the finance industry since the last adjustment, which was in 1992.

Copies of the proposed regulation and the economic impact statement can be obtained from the office of the Consumer Credit Commissioner, Jayhawk Tower, Suite 1001, 700 S.W. Jackson, Topeka, 66603, (785) 296-3151.

This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed permanent regulation. Written comments may be submitted to the Consumer Credit Commissioner at the address above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Office of the Consumer Credit Commissioner.

Wm. F. Caton Consumer Credit Commissioner

#### Social and Rehabilitation Services

## Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, May 22, in the SRS Staff Development Building, Topeka State Hospital grounds, 300 S.W. Oakley, Topeka, to consider the adoption of amendments to existing rules and regulations on a permanent basis effective July 1, 1998.

Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary of SRS, Docking State Office Building, Room 603-N, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views; it may be necessary to request each participant to limit any oral presentation to five minutes. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and the economic impact statements may be obtained by contacting Hope Burns at

(785) 296-3969.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulations will take place at 9 a.m. May 29 in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will

not be available.

A summary of the proposed regulations and their economic impact follows.

#### **Article 4.—PUBLIC ASSISTANCE PROGRAM**

30-4-39. Responsibilities of applicants and recipients. This regulation is being amended by adding a requirement for reporting changes of circumstances within 10 calendar days for persons who are not required to file a monthly status report in accordance with K.A.R. 30-4-55(b).

Economic Impact: This change is not expected to have

any discernable economic impact.

30-4-50. Assistance eligibility, general. This regulation is being amended regarding the denial of assistance for a person convicted of a felony offense involving the possession, use or distribution of a controlled substance. Ineligibility shall result when the actual offense occurs after August 22, 1996, rather than when the conviction occurs after that date.

Federal Mandate: This change is required by Section

5516 of the Balanced Budget Act of 1997.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-52. Act in own behalf. This regulation is being amended by expanding the situations in which a minor can act in own behalf to include situations in which the parents of the minor are institutionalized and there is no caretaker who is willing to assume parental control of the minor.

Economic Impact: This change is not expected to have

any discernible economic impact.

30-4-54. Citizenship, alienage, and residence. This regulation is being amended to include persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants as refugees who meet qualifying alienage criteria for assistance purposes.

Federal Mandate: This change is required by Section

5302 of the Balanced Budget Act of 1997.

Economic Impact: This change is not expected to have

any discernable economic impact.

30-4-55. Cooperation. This regulation is being amended by removing the requirement for filing a monthly status report for all GA persons and for TAF families in which all adults are age 60 or older, disabled according to social security standards, or nonparental caretakers whose needs are excluded from the assistance plan.

Economic Impact: This change is expected to result in decreased expenditures of \$13,277 (\$4,083 in state general funds) on an annual basis through reduced postage costs.

Bearer of Cost: None:

**Affected Parties:** 

1. This change is expected to simplify the ongoing eligibility process and access to benefits for approximately 4,356 families monthly by eliminating the routine of filing a monthly status report. These families infrequently have changes in circumstances to report that affect eligibility.

2. This change will result in the saving of administrative time for SRS staff by simplifying the process of de-

termining ongoing eligibility for these families.

Other methods: Various options for eliminating monthly reporting for differing families were considered. Those options were rejected in favor of this option. This option continues the requirement for families who more frequently have changes that affect eligibility to report and eliminates the requirement for families who do not, thus maintaining program accountability while saving administrative time.

30-4-64. Work program requirements. This regulation is being amended to make a technical change in wording by replacing reference to public assistance with TAF since work program requirements are only applicable to that program.

Economic Impact: This change is not expected to have

any discernible economic impact.

This regulation also is being amended by expanding the exemptions from work program requirements to include children who are age 18 and working toward attainment of a high school diploma or its equivalent. This exemption does not apply to a child who is pregnant or who is a parent of a child in the home.

Economic Impact: This change is not expected to have

any discernible economic impact.

This regulation also is being amended by further limiting the persons who are exempt from work program

requirements by reason of providing care for a child under age one. The age at which a parent or pregnant woman without a high school diploma or its equivalent can claim this exemption is being increased from 18 to 20.

Economic Impact: This change is not expected to have

any discernible economic impact.

30-4-70. Eligibility factors specific to the TAF program. This regulation is being amended by allowing persons who are temporarily out of the home for reasons of employment to remain eligible for TAF.

Economic Impact: This change is not expected to have

any discernible economic impact.

30-4-110. Income. This regulation is being amended in several places to specify new budgeting methodologies applicable to families based on the method of reporting changes that is required per K.A.R. 30-4-39 and K.A.R. 30-4-55. For families required to file a monthly status report, prospective budgeting shall be applicable for the first two months of assistance. Beginning with the third month of assistance, income shall be retrospectively budgeted or based on an income average eliminating the prospective determination. For families not required to file a monthly status report, income shall be determined prospectively for all months of assistance. A corresponding change is to remove the prospective 185 percent of need total income test for all families.

Economic Impact: These changes are expected to result in increased expenditures of \$1,264,889 (no state general funds) on an annual basis. Annually, the elimination of the prospective budgeting test for ongoing cases will allow approximately 4,098 families, who begin employment which will result in closure, to continue assistance for one additional month.

Bearer of cost: The cost of these changes will be absorbed by funds from the federal block grant for the TANF program.

Affected parties:

 These changes are expected to support families in obtaining self-sufficiency. By applying a retrospectiveonly budgeting methodology to families who have the potential for earnings, an additional one month of assistance will be made available to support a family's transition into an employment environment.

These changes will result in the saving of administrative time for SRS staff by simplifying the budgeting

process in ongoing casework.

Other methods: Other options for budgeting were considered but rejected, as these methods optimized client benefit, administrative efficiency and agency accountability.

This regulation also is being amended to exempt the earnings of a child age 18 who is working toward attainment of a high school diploma or its equivalent.

Economic Impact: This change is not expected to have

any discernible economic impact.

This regulation also is being amended to count income for the first and second retrospectively budgeted months whether or not income from the corresponding prior months is of a continuous nature.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-111. Applicable income. This regulation is being amended by increasing the earned income disregard, which is applicable after deducting the first \$90, from 40 percent to 50 percent.

Economic Impact: This change is expected to result in increased expenditures of \$853,366 (no state general

funds) on an annual basis.

Bearer of Cost: The cost of this change will be absorbed by funds from the federal block grant for the TANF pro-

Affected parties:

1. Approximately 1,611 families will be impacted by the change on a monthly basis. The increased disregard will result in less countable income and a higher net grant for families with earnings. With the change, some families will continue to qualify with a lower grant instead of becoming ineligible as under current policies. This has the effect of using up additional months of receiving TAF which for a lifetime is limited to 60 months per family.

2. This change will have a minimal administrative impact on staff, as the earnings disregard calculation is au-

tomated.

Other methods: A 60 percent disregard amount was considered but rejected because of the greater adverse effect of using up even more of a family's limited 60 months per lifetime on TAF. The SRS Legislative Oversight Committee recommended both the 50 percent and 60 percent amounts be considered. In lieu of changing the percentage disregard, increasing the standard \$90 deduction to \$200 was considered. This has the benefit of simplifying the administrative process of calculating grant amounts when earnings are lower, but does not provide the greater incentive for higher earnings amount which a percentage increase method provides. Increasing the standard amount also has the effect of using up additional months of the maximum 60 allowed.

This regulation also is being amended by expanding the situations in which costs of care for dependents can be deducted in determining applicable income. Costs for a dependent in the family group will be allowed as a deduction.

Economic Impact: This change is not expected to have

any discernible economic impact.

This regulation is being 30-4-140. Payments. amended by changing the amount that can be withheld from assistance payments to recover an overpayment. For fraud claims the amount shall be the greater of 20 percent of the applicable need standard of \$10 per month. For nonfraud claims, the amount shall be the greater of 10 percent of the applicable need standard or \$10.

Economic Impact: This change is not expected to have

any discernible economic impact.

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REQUIREMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-88. Scope of physician services. The limitation to a maximum of 12 nonpsychiatric office visits per calendar year per consumer is being eliminated from the regulation. Experience has shown that office visit services are not being inappropriately used and the limitation to

12 visits could potentially be a barrier to access for needed care.

Economic Impact: There will be no cost or savings. Bearer of Cost: None.

**Affected Parties:** 

Medicaid consumers.

Other Methods: There were no other appropriate methods for the desired outcome.

#### Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENT'S ELIGIBILITY FOR PARTICIPATION

30-6-52. Act in own behalf. This regulation is being amended by expanding the situations in which a minor can act in own behalf to include situations in which the parents of the minor are institutionalized and there is no caretaker who is willing to assume parental control of the minor.

Economic Impact: This change is not expected to have any discernible economic impact.

30-6-54. Citizenship, alienage, and residence. This regulation is being amended to include persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants as refugees who meet qualifying alienage criteria for assistance purposes.

Federal Mandate: This change is required by Section

5302 of the Balanced Budget Act of 1997.

Economic Impact: This change is not expected to have

any discernable economic impact.

**30-6-65.** Automatic eligibles. This regulation is being amended to provide medical assistance to persons who are eligible for Temporary Assistance for Families (TAF) cash assistance but do not wish to receive the cash benefits. Other changes have been incorporated to include this coverage group in the qualifications for four month automatic medical assistance of subsection (a)(6) and the 12 month automatic medical assistance of subsection (a)(14) of this regulation.

Federal Mandate: This change is required by Section

1931 of the Social Security Act.

Economic Impact: This change is expected to result in increased expenditures of \$734,666 (\$293,866 in state general funds) on an annual basis.

Bearer of Cost: None.

**Affected Parties:** 

- This change will have a moderate administrative impact on staff, as it will result in a small increase in medical caseloads.
- 2. This change will benefit approximately 870 adults by providing access to medical coverage without the need for accepting cash benefits and being subject to the 60-month maximum time limit.

Other Methods: No other methods were considered as this is a federal mandate.

30-6-70. Medicaid determined eligibles; eligibility factors specific to temporary assistance for families (TAF). This regulation is being amended to clarify that an 18-year-old in secondary school or working towards the attainment of a GED is eligible for medical assistance under this regulation.

Economic Impact: This change is not expected to have any discernable economic impact.

30-6-77. Poverty level pregnant women and children; determined eligibles. This regulation is being amended to require that eligibility for children age 18 shall be determined based only on the needs of the child.

Economic Impact: This change is not expected to have

any discernable economic impact.

30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the income level for determining eligibility for low income Medicare beneficiaries under the provisions of K.A.R. 30-6-86 to 135 percent of the official federal poverty income guidelines.

Federal Mandate: This change is required by Section

4732 of the Balanced Budget Act of 1997.

Economic Impact: This expanded coverage is federally funded at 100 percent and the state allotment for FFY 1998 will total \$2,094,000 (no state general fund expenditures).

Bearer of Cost: None.

**Affected Parties:** 

1. This change will have a moderate impact on SRS staff, as it will increase caseloads over the course of the coming year.

2. This change will benefit over 1,000 potential consumers by providing coverage of their Medicare Part B pre-

mium

Other Methods: No other methods were considered, as

this change is federally mandated.

30-6-111. Applicable income. This regulation is being amended to allow a child care deduction for dependents who are included in the family group rather than in the actual assistance plan. Other technical changes also have been incorporated.

Economic Impact: This change is not expected to have

any discernable economic impact.

30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to exempt payments made from any fund established pursuant to a class settlement in the case of Susan Walker v. Bayer Corporation except for interest or other investment income earned on such payments.

Federal Mandate: This change is required by Section

4735 of the Balanced Budget Act of 1997.

Economic Impact: This change is not expected to have any discernable economic impact.

#### Article 10.—ADULT CARE HOME PROGRAM

30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health. This regulation change decreases the number of days for submission of initial assessments to the Kansas Department on Aging from 14 days to 22 days. This allows for the use of computer software packages by providers and assures that KDOA regulations match federal guidelines.

Economic Impact: This regulation provision will not re-

sult in a cost or savings.

Bearer of Cost: None.

**Affected Parties:** 

1. Nursing facilities.

Other Methods: No other method was appropriate for the desired outcome.

> Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 022130

#### State of Kansas

#### Department of Administration **Division of Purchases**

#### **Notice to Bidders**

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

#### Monday, March 23, 1998

Kansas State University—Copier

Kansas State University—Copier

Kansas State University—Scientific equipment and supplies

33007

Department of Social and Rehabilitation Services-Service delivery project

#### Tuesday, March 24, 1998

Fort Hays State University—Copier

7264

Fort Hays State University—Copier

· 7265

Fort Hays State University-Front deck diesel mower 7267

Kansas Department of Wildlife and Parks-Furnish all labor and materials to produce new water well, Manhattan

7269

Adjutant General's Department—Overhaul solution pump

7270

Department of Transportation—Aggregate (District 1)

Wednesday, March 25, 1998

33001

Wichita State University—Janitorial supplies 33006

Statewide—Air charter service

March 26, 1998

University of Kansas—Bunk beds

Department of Transportation—Truck utility bodies, various locations

Emporia State University—Furnish and install cooling tower

7283

University of Kansas-Student desks

7284

University of Kansas--Five-drawer chests

7285

Student desk chairs University of Kansas-

7286

Kansas State University—Dump truck

University of Kansas-Innerspring mattresses

Friday, March 27, 1998

33003

Statewide—Room air conditioners

7289

-Lounge furniture University of Kansas-

7290

Kansas State Fair—Skid steer loader

Friday, April 3, 1998

University of Kansas Medical Center—Exterior building maintenance/repair

Tuesday, April 7, 1998

A-7844 (B)

Kansas State University—Chiller plant improvement, Student Union

A-8198 (A)

Kansas State University—Irrigation/landscaping, Parking Lot A2, Beach Art Museum

Department of Transportation—Reroof sub-area shop, Oberlin

#### Wednesday, April 8, 1998

A-8460

University of Kansas-Stone restoration, Phase 2, Spooner Hall

A-8471

Lansing Correctional Facility—Replacement of locking system, Cellhouse B

Thursday, April 9, 1998

A-8442

Kansas State University—Room 063, hi-tech classroom, Phase 1, Seaton Hall

Friday, April 24, 1998

32994

Kansas Department of Wildlife and Parks-Aircraft insurance, Cessna, Pratt

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**Request for Proposals** Monday, April 6, 1998

32996

Image campaign for Edwards Campus for the University of Kansas

> John T. Houlihan **Director of Purchases**

#### Behavioral Sciences Regulatory Board

#### Permanent Administrative Regulations

#### Article 4.—MASTERS LEVEL PSYCHOLOGISTS

102-4-7a. Postgraduate supervised work experience requirements. To qualify for licensure as a master's level psychologist, each applicant shall have satisfied all of the following experiential requirements.

(a) Supervised postgraduate work experience requirements. Each applicant shall have satisfactorily completed

the following requirements:

(1) a minimum of 1,500 clock hours of supervised postgraduate work experience that meets the requirements as provided in subsections (c), (d), and (e), unless the applicant has completed a 750-hour practicum pursuant to K.S.A. 74-5363(b)(3) and its amendments; and

(2) a minimum of 2,000 clock hours of supervised postgraduate work experience as provided in subsections (c),

(b) Temporary permit. An applicant who at the time of application has not completed the postgraduate supervised work experience requirements may apply for a temporary permit as provided in K.A.R. 102-4-4a.

(c) Qualifying postgraduate work experience. In order to be approved by the board, the applicant's postgraduate work experience shall meet all of the following standards.

- (1) The applicant's supervised work experience occurred after the applicant's completion of the course work requirements provided in K.A.R. 102-4-3a and after the applicant's receipt of the graduate psychology degree that qualifies the applicant for licensure as a master's level psychologist.
- (2) The applicant's official title, role qualifications, and formally established practice functions within the supervised work setting clearly demonstrate to the board's satisfaction that the applicant was engaged in the supervised
- practice of psychology. (3) The applicant's supervised postgraduate work experience occurred in an organized setting, agency, institution, or organization that, by its nature and function, clearly provided the applicant with experience in the following areas:
  - (A) diagnosis:

(B) remediation techniques;

- C) measuring and testing personality, intelligence, aptitudes, attitudes, and skills;
- (D) interdisciplinary collaboration and consultation;
- (E) practice activities with a client population presenting a diverse set of problems and backgrounds.
- (4) The applicant's postgraduate work experience was supervised by an individual who qualified as a supervisor as provided in subsection (d).

(5) The applicant's postgraduate work experience was

supervised as provided in subsection (e).

(d) Supervisory qualifications. In order to be approved by the board, the applicant's postgraduate work experience shall be supervised by a licensed psychologist or by a currently licensed master's level psychologist with no fewer than three years of postgraduate professional ex-

(e) Supervision requirements. In order to be approved by the board, the applicant's postgraduate work experience shall have been supervised as provided in the following standards.

(1) The applicant's supervision was provided by an individual who qualified as provided in subsection (d).

- (2) The supervisor was available to the applicant at the points of decision making regarding the diagnosis and treatment of clients.
- (3) The supervisor provided the applicant with on-site supervision that included a minimum of one hour of faceto-face individual supervision during each calendar week that the applicant was engaged in the supervised practice of psychology.

(4) The supervisor had at least partial professional authority over and responsibility for the applicant's practice

of psychology.

(5) The supervisor was not related to the applicant and did not otherwise have a dual relationship with the ap-

plicant.

(6) The applicant's supervisor was not under sanction from a disciplinary proceeding, unless this prohibition was waived in advance by the board for good cause shown by the supervisor.

(7) The applicant's supervisor was either a member of the staff in the applicant's practice setting, or, alternately, the applicant's supervisory situation met all of the follow-

ing qualifications.

(A) The supervisor had a solid understanding of the mission, policies, and procedures of the applicant's practice setting.

(B) The nature and extent of the supervisor's responsibility for the applicant's psychology practice was clearly defined and formally recognized by the appropriate administrative staff in the applicant's practice setting.

(C) The responsibility for payment for supervision was clearly defined. If the applicant paid the supervisor directly for the supervision, the supervisor shall have maintained responsibility to the clients and to the practice set-

(8) The supervisor formally provided periodic evaluation of the applicant's performance and skills in the ap-

plicant's practice of psychology.

(9) The supervisor conducted supervision as a process distinct from personal therapy, didactic instruction, or

(10) The supervisor maintained formal records of the supervision process. Such records shall be submitted, upon request, to enable the board to evaluate the extent and quality of the applicant's supervised experience.

(f) Nonqualifying supervised doctoral practicum hours. Supervised practicum hours completed in a doctoral program of studies shall not be counted toward the

requirements provided in K.S.A. 74-5363(b)(4).

(g) Qualifying supervised doctoral practicum hours. Supervised practicum hours completed in a doctoral program of study that is primarily psychological in content may be approved by the board toward the requirements provided in K.S.A. 74-5363(b)(5) if the applicant meets both of the following qualifications.

(1) The applicant received a master's degree in psychology or clinical psychology and met the course work, program and college or university requirements provided in K.A.R. 102-4-3a before completing the doctoral practicum hours.

(2) The applicant's doctoral level practicum fully met the requirements provided in subsections (c), (d), and (e). (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363 and 74-5367; effective March

27, 1998.)

Mary Ann Gabel Executive Director

Doc. No. 022123

(Published in the Kansas Register March 12, 1998.)

Notice of Call for Redemption to the Registered Owners of City of Chanute, Kansas Electric Light, Water and Gas Systems Revenue Refunding Bonds Series 1988, Dated December 1, 1988

Notice is hereby given that pursuant to the provisions of Article II of the Supplemental Trust Indenture between the City of Chanute, Kansas (the issuer), and Bank of Commerce, Topeka, Kansas (escrow trustee), that the above mentioned bonds maturing in the years 1998 and thereafter (the refunded bonds) have been called for redemption and payment on May 1, 1998 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

	Serial Bonds	
Maturity	Principal	Interest
Date	Amount	Rate
05-01-99	\$1,075,000	7.05%
05-01-00	\$1,135,000	7.10%
	Term Bonds	and the second of the second o
Maturity	Principal	Interest
Date	Amount	Rate
05-01-04	\$5,240,000	7.35%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 101 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Chanute, Kansas
By Jill A. Aylward
Bank of Commerce
Chanute, Kansas
as Escrow Trustee

Doc. No. 022122

(Published in the Kansas Register March 12, 1998.)

#### Summary Notice of Bond Sale \$785,000

City of Independence, Kansas General Obligation Bonds, Series A, 1998

(General obligation bonds payable from unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of bond sale dated March 5, 1998, sealed bids will be received by the clerk of the City of Independence, Kansas (the issuer), on behalf of the governing body at City Hall, 120 N. 6th, Independence, KS 67301, until 5 p.m. March 19, 1998, for the purchase of \$785,000 principal amount of General Obligation Bonds, Series A, 1998. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

#### **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1998, and will become due on October 1 in the years as follows:

1999       \$75,000         2000       75,000         2001       75,000         2002       80,000         2003       80,000         2004       80,000         2005       80,000         2006       80,000         2007       80,000		Principa
2000       75,000         2001       75,000         2002       80,000         2003       80,000         2004       80,000         2005       80,000         2006       80,000         2007       80,000	Year	Amount
2001     75,000       2002     80,000       2003     80,000       2004     80,000       2005     80,000       2006     80,000       2007     80,000	1999	\$75,000
2002       80,000         2003       80,000         2004       80,000         2005       80,000         2006       80,000         2007       80,000	2000	75,000
2003       80,000         2004       80,000         2005       80,000         2006       80,000         2007       80,000	2001	75,000
2004       80,000         2005       80,000         2006       80,000         2007       80,000		80,000
2005       80,000         2006       80,000         2007       80,000	2003	80,000
2006 80,000 2007 80,000	2004	80,000
2007 80,000	2005	80,000
	2006	80,000
2008 80,000		80,000
	2008	80,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1999.

#### **Optional Book-Entry-Only System**

The successful bidder may *elect* to have the bonds registered under a book-entry-only system administered through DTC.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit** 

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$15,700 (2 percent of the principal amount of the bonds).

#### **Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before April 9, 1998, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous (continued)

United States as may be specified by the successful bidder.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$48,252,375. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$4,665,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel. whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (316) 332-2500, or from the financial advisor, Stifel, Nicolaus & Company, Inc., 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Larry L. McKown, (316) 337-8498.

Dated March 5, 1998.

City of Independence, Kansas

Doc. No. 022124

#### State of Kansas

#### Secretary of State

#### **Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of February 1998 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

#### **Domestic Corporations**

Air Capital Hobbies Inc., Wichita, KS. Airtex, Inc., DeSoto, KS. Aloette of Kansas City, Inc., Overland Park, KS. Augusta Medical Complex, Inc., Augusta, KS. B.A.T. Inc., Shawnee Mission, KS. Big Time Operators Inc., Satanta, KS Blue Hill Crushing, Inc., Lincoln, KS. Catalpa Press, Inc., Overland Park, KS. Central Property Management Co., Inc., Wakarusa, KS. Chaparral Steak & Seafood, Inc., Great Bend, KS. Contractors Concrete Company, Inc., Kansas City, KS. Corporate Technology Inc., Overland Park, KS. Cottonwood Point, Inc., Augusta, KS. Digital Voice Communications, Inc., Prairie Village, KS. Early Ages, Inc., Topeka, KS. Educational Care, Inc., Atwood, KS. Elkhart Tavern, Inc., Elkhart, KS. Exclusive Hair Inc., Wichita, KS. Farm Co-op Association, Hutchinson, KS. Financial Planning and Consulting Services, Inc., Hutchinson, KS Flynn's Ferry Service, Inc., Augusta, KS.

Forest Park Estates Homes Association, Inc., Shawnee Mission, KS. Fraternal Order of Eagles, Aerie 3191, Bonner Springs, KS. Hospitality House Motel, Inc., Montrose, CO. Humphrey Stretch Form, Inc., Wichita, KS. Hutchinson Ambucs, Inc., Hutchinson, KS Hutson Medical Associates, Ltd., Westerville, OH. Janzen-Elder Insurance and Real Estate, Inc., Elkhart, KS. Kansas Affordable Housing Corporation, Wichita, KS. Kansas Art Education Association, Wichita, KS. Kansas Grains, Inc., Denver, CO. Kansas Medical Assistants Society, Wichita, KS. Kids In Safe and Supportive Environments, Inc., Fort Scott, KS. Langston Data Systems, Inc., Lenexa, KS. Lee Homes, Inc., Wichita, KS. M - T Batting Cages, Inc., Topeka, KS. Impressions, Inc., Overland Park, KS. Nereidas Co., Kansas City, KS. North 281 Truck & Trailer Repair, Inc., Pratt, KS. Olathe Grain Co., Inc., Olathe, KS. Paul's Well Service, Inc., Ellis, KS. Perkins Realty, Incorporated, Kansas City, MO. Pheasants Unlimited, Inc., Ulysses, KS. Pioneer Marketing, Inc., Wichita, KS. Pittsburg Rotary Club Foundation, Inc., Pittsburg, KS. Post Rock Foods Company, Lincoln, KS. Prime Thyme Inc., Hutchinson, KS. Quality Dirt Works Grading and Excavating, Inc., Olathe, KS. Rosedale Post Number 346, of the American Legion Department of Kansas, Overland Park, KS. Rossmo, Inc., Wichita, KS Shepherd and Shepherd, Inc., Wichita, KS. Snowbird Enterprizes, Inc., Wichita, KS. Spur Cattle Co., Inc., Johnson, KS. State Management Corporation, Kansas City, KS. Syracuse Commission Co., Inc., Syracuse, KS.

The Institute of Internal Auditors, Inc., Wichita Chapter, Wichita, KS. The Valley Center Jaycees, Valley Center, KS

Topeka Parks and Recreation Foundation, Topeka, KS.

#### **Foreign Corporations**

Associated Advertising, Inc., Overland Park, KS. Autco Distributing, Inc., St. Louis, MO. Auto Buyers Credit Corporation, Westlake Village, CA. Berkeley Medical Equipment, Inc., Orlando, FL. C. R. Anthony Company, Oklahoma City, OK. CNC Associates, Inc., Oxnard, CA. Dalcorp Management, Inc., Greenville, SC. Data Processing Resources Corporation, Newport Beach, CA. First Capital Investment Corporation, Chicago, IL. Huntsinger & Jeffer, Inc., Richmond, VA. IQI, Inc., New York, NY. Irvin H. Whitehouse & Sons Company, Louisville, KY. Mitchell Oldsmobile-Cadillac, Inc., Olathe, KS. Olympia Drywall Company, Houston, TX. Property Capital Trust, Boston, MA. Renaissance Network Corporation, Columbia, MO. Victoria's Secret Stores, Inc., Reynoldsburg, OH. Wesco Aircraft Hardware Corp., Valencia, CA. Wis-Pak Foods, Inc., Butler, WI.

> Ron Thornburgh Secretary of State

## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment has received and reviewed an application from the Ash Grove Cement Company to construct and operate an industrial landfill for the disposal of cement kiln dust. The proposed landfill will be owned and operated by the Ash Grove Cement Company at the company's plant northwest of Chanute. The proposed landfill has an area of 44 acres and is located is the Northwest 1/4 of Section 24, Township 27 South, Range 17 East. The proposed landfill is designed with a composite liner system that contains a clay and geosynthetic liner. A groundwater monitoring system will be installed prior to any waste placement in the landfill. The cement kiln dust will be deposited into the proposed landfill using a wet slurry system to control windblown dust emissions from the landfill. KDHE is providing public notice of its intent to issue a permit to Ash Grove Cement Company to construct and operate the proposed landfill.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review through April 15 during normal business hours, 8 a.m. to 5 p.m. Monday through Friday, at the following locations:

Kansas Department of Health and Environment Bureau of Waste Management Forbes Field, Building 740 Topeka, 66620 Contact: Phil Rosewicz (785) 296-1594

Kansas Department of Health and Environment Southeast District Office 1500 W. 7th Chanute, 66720 Contact: Charles Bowers (316) 431-2390

Anyone wishing to comment on the draft permit or application information should submit written statements postmarked not later than April 15 to Phil Rosewicz at the KDHE Forbes Field address.

An informational meeting and public hearing will be conducted in conjunction with the public comment period. An informational meeting is scheduled for 1 p.m. Thursday, April 2, followed by a public hearing at 3 p.m., at the Central Park Pavillion, 101 S. Forest, Chanute. After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, to those who commented at the public hearing, and to those who requested notice of the final permit decision.

Gary R. Mitchell Secretary of Health and Environment State of Kansas

#### Commission on Veterans' Affairs

#### Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, March 20, in the State Banking Department's conference room, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend.

> Don A. Myer Executive Director

Doc. No. 022132

State of Kansas

## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Kendall Packaging Corporation has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of volatile organic compounds (VOCs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Kendall Packaging Corporation owns and operates a commercial flexographic printing and laminating facility located at 1901 E. 27th St. Terrace, Pittsburg.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southeast district office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Troy B. Percival, (785) 296-6439, at the KDHE central office, or Lynn Ranabargar, (316) 431-2390, at the KDHE southeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Troy B. Percival, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business April 13.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 13 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 022127

#### Department of Wildlife and Parks

#### Public Notice

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of approximately 80 acres in McPherson County. The legal description is the East Half of the Northeast Quarter in Sec. 28, Township 19 South, Range 4 West. The selling price is \$38,000, and the appraised value of the land is \$38,000. The tract will be part of the McPherson Wetlands and will remain on the county tax rolls.

> Steven A. Williams Secretary of Wildlife and Parks

Doc. No. 022131

#### State of Kansas

#### Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. KAW Valley Industrial Painting has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300. KAW Valley Industrial Painting is proposing to limit its plant-wide potentialto-emit (PTE). Emissions of volatile organic compounds (VOCs), particulate matter (PM), particulate matter with a diameter of 10 micrometers or less (PM<sub>10</sub>), and a single hazardous air pollutant (HAP-Xylene) were evaluated during the permit review process.

KAW Valley Industrial Painting owns and operates the stationary source located at 7259 Kaw Drive, Kansas City,

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, and at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka. To obtain or review the proposed permit and supporting documentation, contact Roylene A. Cunningham at the Wyandotte County Health Department, (913) 573-6700, or Connie Carreno at the Kansas Department of Health and Environment, (785) 296-6422. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Roylene A. Cunningham, Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business April 13 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request.

The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, not later than the close of business April-13 in order for the Secretary of Health and Environment to consider the request. Onding

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 022116

#### State of Kansas

#### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Turner Animal Hospital has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of particulate matter (PM), particulate matter with a diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>), sulfur oxides (SOx), nitrogen oxides (NOx), volatile organic compounds (VOCs), carbon monoxide (CO) and lead were evaluated during the permit review process.

Turner Animal Hospital owns and operates the stationary source located at 842 S. 55th, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit review process is available for oublic review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Unified Government of Wyandotte County-Kansas City, Kansas Health Department, Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact William P. Stevenson, (913) 573-6700, at the Unified Government of Wyandotte County-Kansas City, Kansas Health Department or Connie Carreno, (785) 296-6422, at the KDHE. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William P. Stevenson, Unified Government of Wyandotte County-Kansas City, Kansas Health Department, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business April 13 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 13 in order for the Secretary of Health and Environment to consider the request.

> Gary R. Mitchell Secretary of Health and Environment

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## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed supplemental air quality operating permit. ANR Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of this supplemental Class I permit is to identify the applicable requirements of 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels) for this source. This supplemental permit will become an attachment to the General Operating Permit authorization and become part of the Class I operating permit for the source. The authorization and attachment will be issued simultaneously following the public participation period.

ANR Pipeline Company, Detroit, Michigan, owns and operates the Meade compressor station located at 28111-

11 Road in Meade, Kansas.

A copy of the proposed supplemental permit, permit application, all supporting documentation and all information relied upon during the supplemental permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed supplemental permit and supporting documentation, contact Douglas S. Warren, (785) 296-6281, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed supplemental permit to Douglas S. Warren, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must

be received by the close of business April 13.

A person may request a public hearing be conducted on the proposed supplemental permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 13 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency (EPA) has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objec-

tion arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 022117

State of Kansas

## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding proposed air quality construction permits. KN Gas Gathering, Inc. has applied for air quality construction permits in accordance with the provisions of K.A.R. 28-19-300 to install gas compressor engines at six new compressor stations. Emissions of nitrogen oxides, carbon monoxides and volatile organic compounds were evaluated during the permit review process.

KN Gas Gathering, Inc., Liberal, owns and operates the stationary sources located at Section 3, Township 33S, Range 39W; Section 12, Township 34S, Range 38W; Section 27, Township 33S, Range 38W; Section 11, Township 34S, Range 37W; Section 32, Township 34S, Range 36W; and Section 34, Township 34S, Range 36W, in Stevens

County.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during review of the permit applications is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permits and supporting documentation, contact Shawn A. Howell, (785) 296-1993, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Shawn A. Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by

the close of business April 13.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 13 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

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#### Department of Health and Environment

#### **Notice Concerning Kansas Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

#### Public Notice No. KS-98-014/020

Name and Address		
of Applicant	Waterway	Type of Discharge
Harshman Construction Co.	Walnut River	Ouarry
Southwest Butler-Gordon Route 1	via unnamed tributary	dewatering and stormwater
Cedar Point, KS 66843		Stormwater
Kansas Permit No. I-WA07-F		Permit No. KS0089192
Legal: NW14, S29, T28S, R4E,	Butler County	

of Applicant	Waterway	Type of Discharge
Harry Byers & Sons Neosho County Quarry	Lower Neosho River via Village	Quarry dewatering and
500 N. Plummer	Creek via roadside	stormwater
Chanute, KS 66720	ditch	

Kansas Permit No. I-NE11-PO06 Federal Permit No. KS0089095 Legal: NE¼, S19, T27S, R18E, Neosho County

	Name and Address		Type of
	of Applicant	Waterway	Discharge
٠	Hunt Midwest Mining, Inc.	Marais des Cygnes	Ouarry
	Harris Quarry	River via north fork	dewatering and
	P.O. Box 12659	of Pottawatomie	stormwater
-	Kansas City, MO 64116	Creek	
ř	Vanna Dinner State Takone D		

Kansas Permit No. I-MC15-PO01 Federal Permit No. KS0116017 Legal: NE<sup>1</sup>/<sub>4</sub>, S12 T20S, R18E, Anderson County

Name and Address of Applicant	Waterway	Type of Discharge
Nelson Quarries, Inc.	Marais des Cygnes	Quarry
Moran Quarry P.O. Box 124	River via Fort Scott. Reservoir via	dewatering and stormwater
LaHarpe, KS 66751	Marmaton River via unnamed tributary	

Kansas Permit No. I-MC25-PO03 Federal Permit No. KS0093963 Legal: SW1/4, S25, T24S, R20E, Allen County

Facility Descriptions: The proposed actions are to reissue existing permits to the above named permittees for discharges of seepage wastewater and stormwater from existing quarries. These are limestone quarrying and crushing operations with no washing. The permit stan-

dards, K.A.R. 28-16-28(b-	), and federal surface	water quality is water criteria.
Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining, Inc. Lawrence Quarry	Kansas River via Wakarusa River via	Quarry dewatering,
P.O. Box 12659 Kamsas City, MO 64116	Clinton Lake via unnamed tributary	stormwater an settled rock

washing water Kansas Permit No. I-KS31-PO08 Federal Permit No. KS0116114 Legal: SW1/4, S1, T13S, R18E, Douglas County

Name and Address of Applicant	Waterway	Type of Discharge
N. R. Hamm Quarry, Inc. Kelly #95 Quarry	Smoky Hill River via Terrapin Lake	Quarry dewatering
P.O. Box 17	via Swenson Creek	stormwater and
Perry, KS 66073	via unnamed tributary	settled rock washing water
Kansas Permit No. I-SH04-P		rmit No. KS0093955

Legal: NW1/4, S13, T13S, R3E, Dickinson County

Name and Address		Type of
of Applicant	Waterway	Discharge
N. R. Hamm Quarry, Inc.	Delaware River via	Quarry
Adams #94 Quarry	Elk Creek via	dewatering
P.O. Box 17	Banner Creek via	stormwater and
Perry, KS 66073	unnamed tributary	settled rock
		washing water

Kansas Permit No. I-KS23-PO02 Federal Permit No. KS9903700 Legal: SE1/4, S16, T7S, R14E, Jackson County

Facility Descriptions: The proposed actions are to reissue existing permits to the above named permittees for discharges of seepage wastewater, stormwater and settled rock washing water from existing quarries. These are limestone quarrying and crushing operations with some washing. Any discharge is from a settling pond that receives wash water and stormwater runoff. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before April 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-98-014/020) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be conducted in conformance with state regulation 28-16-61 (28-46-21 or UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

> Gary R. Mitchell Secretary of Health and Environment

Dec. No. 922120

## Department of Health and Environment

## Notice of Hearings on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Bureau of Environmental Remediation, will conduct public hearings at 1 p.m. Thursday, May 14, in the Salina Public Library, Prescot Room, 301 W. Elm, Salina; and at 10 a.m. Friday, May 15, in the Metropolitan Topeka Airport, conference room, Forbes Field, Topeka, to consider the adoption of proposed regulations for the Voluntary Cleanup and Property Redevelopment Program. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows.

K.A.R. 28-71-1 through K.A.R. 28-71-12. The purpose of the Voluntary Cleanup and Property Redevelopment Act is to allow voluntary cleanups of contaminated properties with department oversight to promote the transfer, redevelopment and reuse of contaminated properties and protect public health and the environment. The purpose of these proposed regulations is to implement the Act and describe the procedures to allow voluntary parties to address contaminated property in an expedited manner. The Act and these regulations are entirely voluntary, meaning that public and private entities intentionally elect to participate in the Voluntary Cleanup and Property Redevelopment Program.

KDHE does not anticipate a negative economic impact on other governmental agencies. Local governmental agencies may see a positive economic impact since undervalued, underused contaminated properties in their community can be addressed through the Act and these regulations. Properties that receive "no further action" determinations from KDHE may become prime properties for redevelopment and increase in value, which should result in an increased tax base for the community.

KDHE does not anticipate a negative economic impact on private citizens or businesses. Private citizens or businesses may see a positive economic impact since undervalued, underused contaminated properties that they own, want to lease, or purchase can be addressed through the Act and these regulations. Properties that receive "no further action" determinations from KDHE may become prime properties for redevelopment and increase in value. Increases in the tax base may create lower property taxes to private citizens or to other businesses and promote the creation of new jobs.

Entities who are affected by, or are subject to, the Act and the regulations are voluntary parties who have elected to participate in the program. If they elect to participate in the program, they are responsible for the costs associated with investigation and cleanup of contaminated properties in addition to oversight costs to the department. These parties can terminate their participation in the program at any time, as long as conditions at the property are not negatively impacted by actions taken by the applicant.

A summary of individual proposed regulations follows.

K.A.R. 28-71-1. Definitions. The proposed regulation provides definitions for key terms within the set of regulations.

K.A.R. 28-71-2. Applicant. The proposed regulation provides the criteria that must be met for a person to be an applicant to the Voluntary Cleanup and Property Redevelopment Program.

K.A.R. 28-71-3. Eligibility determination. The proposed regulation provides the criteria for properties to be eligible to participate in the Voluntary Cleanup and Prop-

erty Redevelopment Program.

K.A.R. 28-71-4. Application process. The proposed regulation provides the procedure that an applicant must follow to apply to the Voluntary Cleanup and Property Redevelopment Program. This regulation also establishes the process the department will follow to notify applicants of approval or denial of an application and provides that the department must approve or deny an application within 60 days of receipt.

K.A.R. 28-71-5. Classification determination. The proposed regulation provides the department's procedure and criteria to follow to classify eligible properties into one of four contamination classes. Classes of contamination will be used by the department to determine the type

of activity needed at the property.

K.A.R. 28-71-6. Voluntary agreement. The proposed regulation provides a procedure for applicants and the department to enter into an agreement to conduct vol-

untary activities at an eligible property.

K.A.R. 28-71-7. Initial deposit and reimbursement. The proposed regulation provides a matrix for initial deposits based on the classification of the eligible property. The regulation also describes the oversight role of the department in the Voluntary Cleanup and Property Redevelopment Program.

K.A.R. 28-71-8. Environmental assessments. The proposed regulation describes the information required for environmental assessments accepted by the department in the Voluntary Cleanup and Property Redevelopment

Program.

K.A.R. 28-71-9. Voluntary cleanup work plans and reports. The proposed regulation provides the procedures and process to determine if work plans and reports are needed and to approve or disapprove such work plans and reports. The proposed regulation establishes criteria for the development and completion of work plans and reports. The proposed regulation describes a verification sampling program to confirm the success of activities completed by the voluntary party.

K.A.R. 28-71-10. "No further action" determination. The proposed regulation provides the procedures and criteria to allow the department to issue "no further action" determinations to properties addressed in the Voluntary Cleanup and Property Redevelopment Program.

K.A.R. 28-71-11. Remedial standards and remedial actions. The proposed regulation provides criteria, procedures and standards to address properties in the Voluntary Cleanup and Property Redevelopment Program. The proposed regulation allows the voluntary party to select and the department to approve an approach to determine the cleanup standards for the property. The regulation

allows for the use of institutional controls when approved by the department.

K.A.R. 28-71-12. Public notification and participation. The proposed regulation provides the procedures and time frames to notify and allow public participation in the cleanup process.

This 60-day notice of the public hearings shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearings to Rick Bean, Kansas Department of Health and Environment, Bureau of Environmental Remediation, Forbes Field, Building 740, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearings. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes. Copies of the regulations and their regulatory impact statements may be obtained from the Kansas Department of Health and Environment, Bureau of Environmental Remediation, Remedial Section, Attention: Linda South, Building 740, Forbes Field, Topeka, 66620-0001, (785) 291-3253.

Any individual with a disability may request accommodation in order to participate in the public hearings and may request the proposed regulations and the regulatory impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearings by contacting Rick Bean.

Doc. No. 022121

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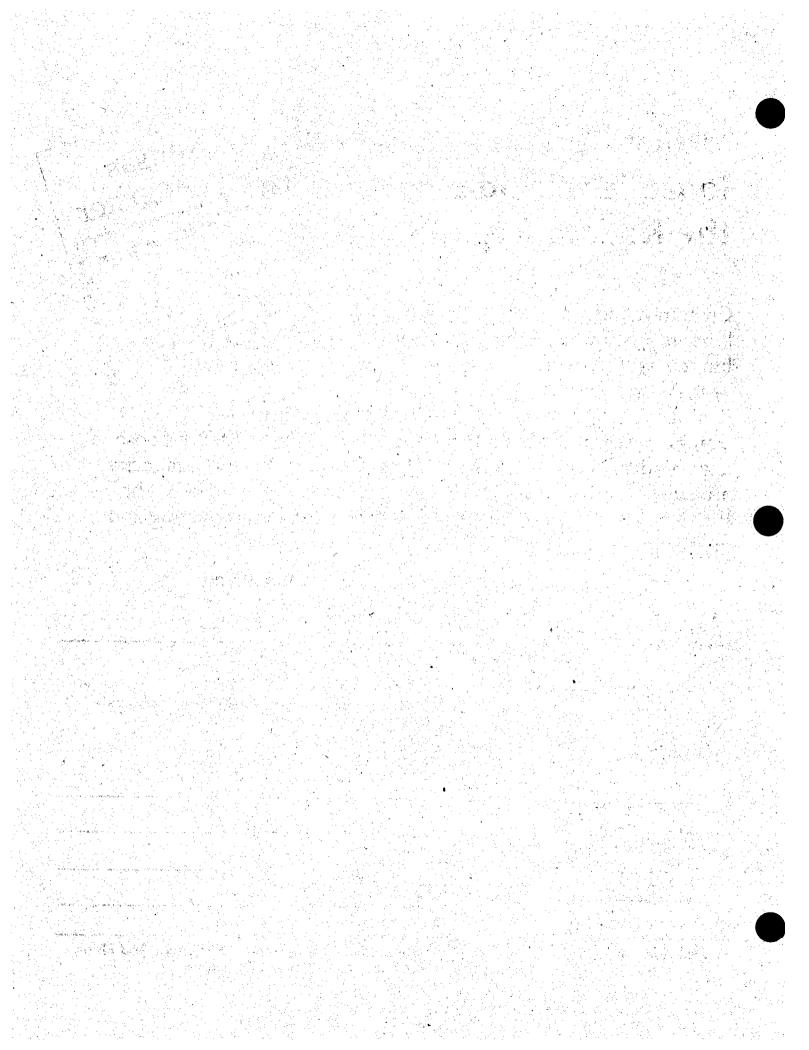
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